

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

**SEABULK CHALLENGE LLC, and §
SEABULK TANKERS INC. §**

Plaintiffs, §

v. §

**C.A. NO. 3:22-cv-00089
Admiralty – FED. R. CIV. P. 9(h)**

**LPG/C GASCHEM NORDSEE, her §
equipment, engines, tackle, and §
appurtenances, in rem, et al. §**

Defendants. §

**JOINT DISCOVERY/CASE MANAGEMENT PLAN UNDER RULE 26(F)
OF THE FEDERAL RULES OF CIVIL PROCEDURE**

- 1. State where and when the conference among the parties required by Rule 26(f) of the Federal Rules of Civil Procedure was held, and identify the counsel who attended for each party, including name, address, bar number, phone and fax numbers, and email addresses. Note: The Rule 26(f) conference must be held in person or by phone, not simply over email.**

The parties conferred by email and telephone on June 29 and 30, 2022. The following counsel attended:

Alejandro Mendez-Roman
Holman Fenwick Willan USA LLP
State Bar No. 24102778
Federal Bar No. 2295449
alex.mendez@hfw.com
5151 San Felipe, Suite 400
Houston, Texas 77056
Telephone: (713) 917-0888
Telefax: (713) 953-9470
Counsel for Plaintiffs

James T. Bailey
SBSB - Eastham
Federal I.D. 30347
State Bar No. 24031711
jbailey@sbsb-eastham.com

1001 McKinney, Suite 1400
Houston, Texas 77002
Telephone: (713) 225-0905
Facsimile: (713) 225-2907
Counsel for the *Gaschem Nordsee* Interests
James T. Bailey of SBSB Eastham represented Defendants.

2. List cases related to this one that are pending in any state or federal court with the case number and court.

None.

3. Briefly describe what this case is about.

This case arises out of an allision between the *LPG/C Gaschem Nordsee* while it was underway outbound Galveston Ship Channel with the *M/T Seabulk Challenge*, which was moored alongside Galveston Pier No. 16.

4. Specify the allegation of federal jurisdiction.

28 U.S.C. Section 1333 -- Admiralty and maritime jurisdiction.

5. Name the parties who disagree with the plaintiff's jurisdictional allegations and state their reasons.

None.

6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

No additional parties would be brought in by the Plaintiffs or the *Gaschem Nordsee* Interests. However, AdvanSix, Inc. has a claim for alleged cargo loss and related expenses.

7. List anticipated interventions.

It is anticipated that AdvanSix, Inc. would intervene to assert its claim for alleged cargo loss and related expenses.

8. Describe class-action issues.

Not applicable.

9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

Initial disclosures have not been made. The parties agree to make their initial disclosures by July 22, 2022.

10. Describe the proposed agreed discovery plan, including:

a. discovery is needed on the following subjects:

The underlying facts leading up the allision; damages claimed by Plaintiffs and cargo interests.

b. the date experts for plaintiff (or party with the burden of proof on an issue) will be designated and their reports provided to opposing party:

Plaintiffs anticipate designating experts and providing expert reports by March 3, 2023.

c. the date experts for defendant will be designated and their reports provided to opposing party:

The *Gaschem Nordsee* Interests anticipate designating experts and providing expert reports by April 3, 2023.

d. the date discovery can reasonably be completed:

May 15, 2023

11. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.

The parties agree to the proposed discovery plan.

12. Specify the discovery beyond initial disclosures that has been undertaken to date.

None.

13. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.

The parties are agreeable to settlement discussion and perhaps early mediation once the damages documentation and/or claim supports have been produced by Plaintiffs and cargo interests.

14. Describe what each party has done or agreed to do to bring about a prompt resolution.

The parties have been preparing document disclosures for an early exchange so that prospects for settlement can be evaluated.

- 15. From the attorneys' discussions with their client(s), state the alternative dispute resolution techniques that are reasonably suitable.**

Mediation would be a suitable alternative resolution technique after exchange of disclosures and damages documentation to permit an appropriate case evaluation.

- 16. With the consent of all parties, United States Magistrate Judge Andrew Edison may preside and hear jury and nonjury trials. Indicate the parties' joint position on a trial before Magistrate Judge Edison.**

The parties' joint position is that they do not agree to trial before Magistrate Judge Edison.

- 17. State whether a jury demand has been made and if it was made on time.**

No jury demand has been made. This case will be tried to the Court sitting in admiralty.

- 18. Specify the number of hours it will take to present the evidence in this case.**

20 hours.

- 19. List pending motions that could be ruled on at the initial pretrial and scheduling conference.**

None.

- 20. List other motions pending.**

None.

- 21. Indicate other matters peculiar to this case, including discovery, that deserve the special attention from the Court at the conference.**

None.

- 22. Certify that all parties have filed Disclosure of Interested Parties as directed in the Order for Conference and Disclosure of Interested Parties, listing the date of filing for original and any amendments. DO NOT STATE THAT THE DISCLOSURE OF INTERESTED PARTIES WILL BE FILED IN THE FUTURE.**

Plaintiffs certify that they filed their Disclosure of Interested Parties on April 4, 2022.

The *Gaschem Nordsee* Interests certify that they filed their Disclosure of Interested Parties on June 30, 2022.

/s/ Alejandro Mendez-Roman
Counsel for Plaintiffs

June 30, 2022
Date

/s/ James T. Bailey (by permission)
Counsel for Gaschem Nordsee Interests

June 30, 2022
Date